

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-021 (GMS) (LPS)
)	CONSOLIDATED
)	
COBALT LABORATORIES INC., et al.,)	
)	
Defendants.)	

FOREST LABORATORIES, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	C.A. No. 08-022 (GMS) (LPS)
)	
BARR LABORATORIES, INC., et al.,)	
)	
Defendants.)	

FOREST LABORATORIES, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-052 (GMS) (LPS)
)	
)	
DR. REDDY'S LABORATORIES, INC., et)	
al.,)	
)	
Defendants.)	

FOREST LABORATORIES, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-291 (GMS) (LPS)
)	
)	
ORGENUS PHARMA INC.,)	
)	
Defendant.)	

FOREST LABORATORIES, INC., et al.,

Plaintiffs,

v.

APOTEX INC., et al.,

Defendants.

C.A. No. 08-336 (GMS) (LPS)

**PLAINTIFFS' REPLY TO DEFENDANTS
INTERPHARM HOLDINGS, INC.'S AND INTERPHARM, INC.'S COUNTERCLAIMS**

Plaintiffs/Counterclaim Defendants Forest Laboratories, Inc. and Forest Laboratories Holdings, Ltd. (collectively "Forest") and Merz Pharma GmbH & Co. KGaA and Merz Pharmaceuticals GmbH (collectively "Merz"), for their Reply to the numbered paragraphs of the Counterclaims of Defendants/Counterclaimants Interpharm Holdings, Inc.'s and Interpharm, Inc.'s (collectively "Interpharm") (D.I. 90), hereby allege as follows:

The Parties

1. Admitted, upon information and belief.
2. Admitted, upon information and belief.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

Jurisdiction and Venue

7. Admitted.
8. Admitted.
9. Admitted.

10. Admitted.

Factual Background

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted, upon information and belief.

16. Plaintiffs/Counterclaim Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of Interpharm's Counterclaims.

17. Admitted.

18. Admitted that an actual and justiciable controversy exists between Plaintiffs/Counterclaim Defendants and Interpharm regarding the '703 patent by virtue of Plaintiffs'/Counterclaim Defendants' Complaint. Admitted that an actual controversy exists between Plaintiffs/Counterclaim Defendants and Interpharm as to the infringement, validity and enforceability of the '703 patent. Otherwise denied.

Reply to First Claim for Relief
(Declaratory Judgment of Non-Infringement of the '703 Patent)

19. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-18 as though set forth specifically herein.

20. Admitted that there is an actual, substantial and continuing justiciable case or controversy between Interpharm and Plaintiffs/Counterclaim Defendants regarding the infringement of the '703 patent.

21. Denied.

22. Denied.

Reply to Second Claim for Relief
(Declaratory Judgment of Invalidity of the '703 Patent
under 35 U.S.C. § 102 and/or 35 U.S.C. § 103)

23. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-22 as though set forth specifically herein.

24. Admitted that there is an actual, substantial and continuing justiciable case or controversy between Interpharm and Plaintiffs/Counterclaim Defendants regarding the validity of the '703 patent.

25. Denied.

26. Denied.

Reply to Third Claim for Relief
(Declaratory Judgment of Invalidity of the '703 Patent under 35 U.S.C. § 305)

27. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-26 as though set forth specifically herein.

28. Admitted that there is an actual, substantial and continuing justiciable case or controversy between Interpharm and Plaintiffs/Counterclaim Defendants regarding the validity of the '703 patent.

29. Denied.

30. Denied.

Reply to Fourth Claim for Relief
(Declaratory Judgment of Invalidity of the '703 Patent under 35 U.S.C. § 112)

31. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-30 as though set forth specifically herein.

32. Admitted that there is an actual, substantial and continuing justiciable case or controversy between Interpharm and Plaintiffs/Counterclaim Defendants regarding the validity of the '703 patent.

33. Denied.

34. Denied.

Reply to Fifth Claim for Relief
(Declaratory Judgment of Unenforceability of the '703 Patent)

35. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-34 as though set forth specifically herein.

36. Admitted.

37. Denied that the '703 patent issued from United States Patent Application Serial Number 07/509,109. Admitted that the '703 patent issued from United States Patent Application Serial Number 07/508,109 ("the '109 application").

37.[sic] Admitted that the Fleischhacker reference was not cited to the PTO on or before October 29, 1991 in connection with the prosecution of the '109 application. Further admitted the Fleischhacker reference was cited to the PTO by Applicants in a Request for Reexamination Pursuant to 35 U.S.C. § 302 and 37 C.F.R. § 1.510, dated August 18, 2004.

38. Admitted.

39. Admitted.

40. Admitted that in the March 10, 2005 Office Action, then pending claims 1-3, 6, 8 and 10-13 in the reexamination of the '703 patent were initially rejected over the Fleischhacker reference. Further admitted that the PTO subsequently stated that the Fleischhacker reference did not disclose the subject matter of the claims of the '703 patent, as issued, in its Notice of Intent to Issue Ex Parte Reexamination Certificate, dated September 27, 2005. Otherwise denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

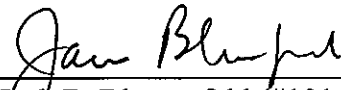
48. Denied.

Reply to Interpharm's Prayer for Relief

Wherefore, Plaintiffs/Counterclaim Defendants deny that Interpharm is entitled to any relief, either as prayed for in its Counterclaims or otherwise.

Plaintiffs/Counterclaim Defendants further deny each allegation contained in Interpharm's Counterclaims that was not specifically admitted, denied, or otherwise responded to in this Reply to Defendants/Counterclaimants Interpharm Holdings, Inc.'s and Interpharm, Inc.'s Counterclaims.

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June 19, 2008

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

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I further certify that I caused to be served copies of the foregoing document on June 19, 2008 upon the following in the manner indicated:

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